

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

New claims 20-23 are presented as an alternative definition of the invention which even more clearly defines the inventive subject matter over the cited art by incorporating several food products from original claim 13. Also, tomato sauce is mentioned on page 11 of the specification, e.g., in the last paragraph. It is submitted that the applicable portions of Joy of Cooking could not be said to teach a sauce, ketchup, soup or juice.

The present invention concerns edible compositions comprising carotenoids and phytosterols wherein at least 20 wt% of the carotenoids are in another phase than the majority of the phytosterols. The invention is also directed to a process for preparing a food product which includes carotenoids and phytosterols.

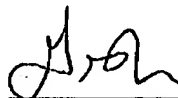
It has been reported that diets with an effective amount of cholesterol lowering phytosterol resulted in a measurable decrease of lipophilic carotenoids in the blood. Applicants have discovered a solution for that problem. The Office points to no teaching in the cited art of the potential problem no less the solution. The invention involves not only the combination of sterols and carotenoids, but is directed, in the composition claims, to ensuring that at least 20 wt. % of the carotenoids are in a different phase from the majority of the phytosterols.

Concerning the Office's combination of references: at the time of the invention, the hypothetical person of ordinary skill in the art would have before him/her, among other things, the Joy of Cooking article and myriad references concerning butters and spreads. Yet, according to the Office, the hypothetical person would choose from among the myriad butters and spreads the Hallstrom spread, notwithstanding the lack

of any teaching by Joy of Cooking to do so. Since one might select any of the myriad butters and spreads for various reasons, it is submitted that the focus on the Hallstrom spread improperly depends upon hindsight gleaned from the present application. Moreover, the Office points to no teaching in Joy of Cooking of the problem which the present invention addresses, so for that reason also the ordinary person would not be led to the particular spreads cited by the Office or to the solution to the problem by Joy of Cooking.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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